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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Dent

Serial No.: 09/915,895

Filing Date: 26 July 2001

Docket No.: 4015-981

Title: COMMUNICATIONS SYSTEM  
EMPLOYING NON-POLLUTING PILOT  
CODES

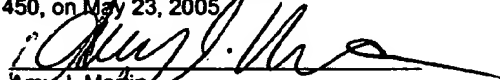
Examiner: Mr. Willie J. Daniel Jr.

Group Art Unit: 2686

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this brief is being deposited in triplicate with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 23, 2005.

  
Amy J. Martin

**APPEAL BRIEF**

**I. REAL PARTY IN INTEREST**

The real party in interest is Telefonaktiebolaget L.M. Ericsson.

**II. RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences to the best of Applicant's knowledge.

**III. STATUS OF CLAIMS**

Claims 1-29 stand pending in the application, with claims 10-20 allowed and claims 1-9 and 21-29 rejected. Applicant appeals the rejection of claims 1-9 and 21-29.

**IV. STATUS OF AMENDMENTS**

All amendments have been entered.

transmitters and the wireless receiver by adjusting said propagation channel estimates to reduce said determined interference.

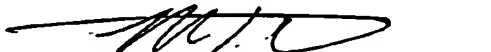
#### **IX. CONCLUSION**

The pattern adopted by the examiner in all of his rejections is one of verbatim copying Applicant's claim language, and then citing to sections of Harrison unrelated to the claim limitations in question, or simply misstating the teachings of Harrison. The examiner is obligated to establish a factual record supporting his claim rejections, and, in this case, the examiner's statements regarding the teachings of Harrison are so completely at odds with the actual teachings of Harrison that it is not an exaggeration to state that the prosecution record is devoid of any factual support for any of the claim rejections.

Respectfully, Applicant believes that the Board need do no more than read Harrison, and then read the examiner's Final Rejection, to conclude that the examiner misunderstands Harrison, misstates the teachings of Harrison, and misapplies the laws of anticipation and obviousness. Thus, for these reasons, and for all of the reasons given above, Applicant respectfully requests the Board to reverse the examiner on all outstanding rejections.

Respectfully submitted,

**COATS & BENNETT, P.L.L.C.**



Dated: May 23, 2005

Michael D. Murphy  
Attorney for Applicant  
Registration No.: 44,958

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**

Patent fees are subject to annual revision on October 1

These are the fees effective December 29, 1999.

Small Entity payments must be supported by a small entity statement.  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

See 37 C.F.R. §§ 1.27 and 1.28.

**TOTAL AMOUNT OF PAYMENT** (\$1,072.00)

Complete if Known

Application Number	TBA
Filing Date	TBA
First Named Inventor	Paul W. Dent
Examiner Name	TBA
Group Art Unit	TBA
Attorney Docket No.	4015-981

**METHOD OF PAYMENT (check one)**

1. ☒ The Commission is hereby authorized to charge  
Indicated fees and credit any over payments to:

Deposit Account Number 18-1167

Deposit Account Name Coats &amp; Bennett, P.L.L.C.

- ☒ Charge Any Additional Fee Required Under 37 CFR §§1.16 and 1.17 ☐ Charge the Issue Fee Set in 37 CFR §1.18 at the Mailing of the Notice of Allowance

2. ☒ Payment Enclosed:  
☒ Check ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	690	201	345	Utility filing fee	710.00
106	310	206	155	Design filing fee	
107	480	207	240	Plant filing fee	
108	760	208	380	Reissue filing fee	
112	150	214	75	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$710.00)</b>

**2. EXTRA CLAIM FEES**

Extra Claims		Fee from below		Fee Paid	
Total Claims	29	-20** = 9	X 18.00 =	162.00	
Independent Claims	5	-3** = 2	X 80.00 =	160.00	
Multiple Dependent Claims			X		
** or number previously paid, if greater; For Reissues, see below					
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	
103	18	203	9	Claims in excess of 20	
102	78	202	39	Independent claims in excess of 3	
104	260	204	130	Multiple dependent claim	
109	78	209	39	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>(\$322.00)</b>

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examination action	
115	110	215	55	Extension for reply within first month	
116	380	216	190	Extension for reply within second month	
117	870	217	435	Extension for reply within third month	
118	1,360	218	680	Extension for reply within fourth month	
128	1,850	228	925	Extension for reply within fifth month	
119	300	219	150	Notice of Appeal	
120	300	220	150	Filing a brief in support of an appeal	
121	260	221	130	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,210	241	605	Petition to revive - unintentional	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design issue fee	
144	580	244	290	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt.	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	760	246	380	Filing a submission after final rejection (37 CFR 1.129(a))	
149	760	249	380	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)					
Other fee (specify)					

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$40.00)**SUBMITTED BY**

Typed or Printed Name	Michael D. Murphy	Reg. Number	44,958
Signature	<i>Michael D. Murphy</i>	Date	July 26, 2001
		Deposit Account User ID	18-1167

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